

EXHIBIT F

David Roy Southwell - 3/28/2019

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RYSTA LEONA SUSMAN, both
individually and as Legal Guardian of
SHANE ALLEN LOVELAND, et al.,
Plaintiffs,

Case No. 8:18-cv-00127

v.
THE GOODYEAR TIRE & RUBBER
COMPANY,

Defendant.

DEPOSITION OF
DAVID ROY SOUTHWELL

March 28, 2019

9:00 a.m.

Colville & Dippel
1309 E. Broadway Boulevard
Tucson, Arizona 85719

EPIQ COURT REPORTING
240 West 35th Street
8th Floor
New York, New York 10001
(212) 557-7400

Prepared by: Sandra Marruffo, R.P.R., AZ C.R. 50815

David Roy Southwell - 3/28/2019

29

1 Do you have any opinion as to how long, in
2 terms of -- of days or weeks or whatever it would have
3 been from the time the initiation in this location began
4 to the date of the accident?

5 A. No. Again, I can't be definitive about that.

6 Q. So you have no opinion --

7 A. No.

8 Q. -- correct?

9 A. Yes.

10 Q. I did that kind of double negative thing you
11 know that we all do periodically, so ...

12 Okay. With regard to nylon overall, do
13 you agree that nylon overlays do not prevent tread
14 detachments?

15 A. That's a pretty big question.

16 Q. Seemed pretty simple to me.

17 A. That's because you don't know a lot about tires
18 just quite honestly, and I didn't mean that in any -- any
19 derogatory way.

20 You can make a tire separate regardless of
21 its design and its manufacture.

22 Q. Uh-huh.

23 A. If you're talking about a population of tires,
24 if you take two populations of tires of identical design
25 with the exception of nylon overlay, the incidence of

David Roy Southwell - 3/28/2019

30

1 separations in the market in the population of tires with
2 known overlay will be dramatically less than the
3 incidence of separations in the population of tires
4 without nylon overlay. That's the best way I can answer
5 your question.

6 Q. Well, I thought you told me earlier, in
7 response to some of my questions regarding the
8 contributing factors that you had, is that they all
9 combined together to cause this separation on this day?

10 A. That's correct.

11 Q. One of those factors was the use of a nylon
12 component to -- to restrict the -- the tire, right?
13 The -- the growth of the tire?

14 A. Well --

15 Q. It's a bad question. Let me clean it up.

16 One of those components in your theory on
17 causation is a nylon overlay, true?

18 A. The absence of a nylon overlay.

19 Q. Correct. Correct. Yes?

20 A. Yes.

21 Q. And so you answered to me earlier, as I
22 understood it, that if you took one of those components
23 out of the question, that the failure would still have
24 happened as it did, just later on down the road?

25 A. And quite possibly after the tread had worn

David Roy Southwell - 3/28/2019

53

1 would say it did not meet the state of the art?

2 A. Yes.

3 Q. And so, then, if -- if there was any tire, Load
4 Range E tire manufactured and sold here in North America
5 in 1994 that was not equipped with a nylon overlay, would
6 that tire, in your judgment, be unreasonably dangerous?

7 A. No, not necessarily.

8 Q. Okay. So you can have a Load Range E tire
9 without a nylon overlay, and that tire can still be
10 reasonably safe, true?

11 A. Subject to all the other parameters of the
12 tire, yes.

13 Q. What does that mean, "subject to all the other
14 parameters of the tire"?

15 A. Well, nylon overlay will, as I've said,
16 dramatically reduce the incidence of belt separations in
17 the population of tires. That doesn't mean that every
18 population of tires without a nylon overlay is going to
19 have a high incidence of separation, because there are
20 other parameters in the -- in the design of the tire
21 that -- that will affect its susceptibility to -- to belt
22 failures.

23 Q. Okay. So we agree, though, that depending upon
24 the other design and manufacturing parameters of the
25 tire, a Load Range E tire, that the absence of a nylon

David Roy Southwell - 3/28/2019

111

1 the belt package, if you know one way or the other?

2 A. I'm not sure about relaxation. Generally
3 speaking, the belt package, including the nylon overlay,
4 is under tensile force from -- from the inflation
5 pressure in the tire. As a part of the tire moves into
6 the footprint, it actually goes into slight compression.
7 So there's a grading of compression, if you like, from
8 the leading edge of the footprint to the trailing edge of
9 the footprint, with the greatest compression force in the
10 center of the footprint. That's basically because you're
11 taking something round and flexible and making it flat.

12 Q. Okay.

13 A. So everything in that loaded portion of the
14 tire from the -- from the leading edge to the trailing
15 edge is under some degree of compression, which counters,
16 to an extent, the tensile forces that it's under due to
17 inflation pressure.

18 Q. Okay.

19 A. So I'm not sure if that means relaxation, but
20 it --

21 Q. Fair enough. Thank you for the explanation.
22 That's -- that's good enough.

23 In your report you've commented to some
24 extent on other failure modes and -- and the basis for
25 why you ruled them out?

David Roy Southwell - 3/28/2019

112

1 A. Yes.

2 Q. They are three in number. The first is cut
3 separation.

4 A. Yes.

5 Q. What do you mean by that?

6 A. Well, a cut separation occurs when the tire has
7 been cut to an extent that it's compromised the
8 structural integrity of the tire, and that can cause the
9 tire to fail.

10 Q. You found no evidence of any type of a cut to
11 this tire?

12 A. I did not.

13 Q. The other that you mentioned -- or the second
14 that you mentioned is impact?

15 A. Yes.

16 Q. All right. You recognize that impacts can
17 cause tread separations?

18 A. I think as I've described in my report.

19 Q. What page are you referring to?

20 A. Page 21.

21 Q. What -- yeah, I mean, this just says that you
22 ruled out impact as a cause?

23 A. Yes.

24 Q. Well, my question is: Do you accept that
25 impacts can cause tread separations?

David Roy Southwell - 3/28/2019

113

1 A. The way that would typically occur is if the
2 impact causes a loss of inflation pressure and then the
3 tire continues to operate, and that will -- can cause a
4 separation, yes.

5 Q. Is that the only scenario under which you
6 believe an impact can cause a tread separation?

7 A. Generally speaking, yes.

8 Q. Not generally speaking. I need to know, when
9 you say "generally," that leads me to believe that there
10 are other scenarios. And so, Mr. Southwell, I need to
11 know do you believe, other than the one scenario that you
12 mentioned to me, that indeed impacts can cause, can lead
13 to tread separations?

14 A. In very rare circumstances it can happen.

15 Q. So it can happen?

16 A. In very rare circumstances.

17 Q. Is it not recognized in the industry that, in
18 fact, impacts cause tread separations?

19 A. I've had certainly -- I can't speak for the
20 whole industry. I think there's a diversity of views
21 about that in the industry. I think some people believe
22 that to be the case and others probably don't.

23 Q. Well, the only person I've heard to express a
24 contrary view is a plaintiff expert who I deposed in
25 another case, and you might be number two, I don't know.

David Roy Southwell - 3/28/2019

114

1 I'm -- I'm just curious. That's why I asked the
2 question.

3 A. Sure. As I said, to speak for industry, I
4 think, is too broad a brush. There's a great deal --
5 there's a diversity of opinions within the industry.

6 Q. Okay. So your answer to that question is that,
7 yes, impacts can cause tread separations in very limited
8 circumstances?

9 A. Yes.

10 Q. All right. And do you care to explain to me
11 exactly what circumstances would be included within that
12 answer?

13 A. Well, I think the most common one is, as I've
14 described, how if an impact causes loss of inflation
15 pressure and the tire continues to operate, then a belt
16 separation is a possible outcome of that.

17 Q. Okay. Any others?

18 A. I think that's pretty much it.

19 Q. Well, when you say "pretty much," that again
20 leads me to believe that there might be something else.
21 Is that it or not?

22 A. I think that's it.

23 Q. All right. That's it?

24 A. I mean, I just -- I just qualify that by saying
25 that, you know, what's the line between an impact and a

David Roy Southwell - 3/28/2019

115

1 cut? This is -- you know, this is a -- it's not defined.

2 Q. So a cut could be a form of an impact in your
3 mind; is that where you're going?

4 A. No, I'm just saying that I don't -- I don't
5 think it's reasonable to say "this is an impact" and
6 "this is a cut," because I think there's a spectrum.

7 Q. Okay. So, I mean, cuts can cause tread
8 separations, right?

9 A. Well, I mentioned that earlier, that if you
10 get --

11 Q. Yeah.

12 A. -- a large enough cut --

13 Q. Okay.

14 A. -- into the structure of the tire and the tire
15 continues to operate, then that's a possibility, yes.

16 Q. Yeah. Okay. How about overdeflection, can
17 that also cause tread separation? I think you told me
18 earlier that it could.

19 A. Yes, it's a possibility.

20 Q. With regard to the companion tires, does your
21 report reflect all of the notes of findings you believe
22 to be significant based upon your inspection of the
23 companion tires combined with your review of the X-rays
24 of those tires and the shearography of those tires?

25 A. Yes.

1 CERTIFICATE OF REPORTER

2 STATE OF ARIZONA)
3) ss:
4 COUNTY OF PIMA)

5 I, Sandra Marruffo, a Certified Reporter in
6 the State of Arizona, do certify that the foregoing
7 deposition was taken March 28, 2019, before me in the
8 County of Pima, State of Arizona; that an oath or
9 affirmation was duly administered by me to the witness,
10 DAVID ROY SOUTHWELL, pursuant to A.R.S. 41-324(B); that
11 the proceedings were taken down by me in shorthand and
12 thereafter reduced to typewriting; that the transcript is
13 a full, true, and accurate record of the proceedings, all
14 done to the best of my skill and ability; that the
15 preparation, production and distribution of the
16 transcript and copies of the transcript comply with the
17 Arizona Revised Statutes and in ACJA 7-206(F)(3); ACJA
18 7-206 J(1)(g)(1) and (2); and ACJA 7-206 J(3)(b).

19 The witness herein, DAVID ROY SOUTHWELL, requested
20 transcript review and signature.

21 I FURTHER CERTIFY that I am in no way related
22 to any of the parties nor am I in any way interested in
23 the outcome hereof.

24 IN WITNESS WHEREOF, I have set my hand in my
25 office in the County of Pima, State of Arizona, this 5th
day of April 2019.

Sandra Marruffo

SANDRA MARRUFFO Arizona CR No. 50815